

AMENDMENTS TO THE DRAWINGS:

Please replace Figure 1 with the attached Replacement Sheet. The Replacement Sheet is similar to original Figure 1, but now includes a legend stating "Prior Art", as requested by the Examiner.

REMARKS

I. Status and Disposition of the Claims

Claims 1-4, 6-13, 15 and 16 are currently pending and stand rejected. By this Amendment, claim 5 is canceled and claims 1, 3 and 6 are amended. Support for the amendment to claim 1 can be found, for example, in original claim 5. Support for the amendment to claim 3 can be found, for example, in the second full paragraph of page 6 of the as-filed disclosure. Claim 6 has been amended to ensure proper antecedent basis.

Applicant submits that the proposed amendments of claims 1, 3 and 6 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner. Moreover, the Amendments to claims 1 and 3 adopt the Examiner's suggestions on pages 11 and 3, respectively, of the final Office Action. Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

II. Comments

A. Objection to the Drawings

The Office objects to Figure 1 because it does not include a legend identifying the content of the figure as being that which was already known. The Replacement Sheet submitted herewith includes the requested legend. Accordingly, Applicant respectfully requests the withdrawal of this rejection.

B. Rejections over the prior art

In the Final Office Action of October 27, 2009, The Examiner found the subject matter of previously presented claims 5-8, 15 and 16 to be allowable. Although Applicant disagrees with the rejection of claims 1, 2, and 4 under 35 U.S.C. § 102(b) over WO 02/023645 (Condeescu), the rejection of claim 3 under § 103(a) over Condeescu, and the rejection of claims 1 and 9-13 under § 103(a) over the combination of WO 02/078112 (Facci) and Condeescu, for the sole purpose of advancing prosecution, Applicant has amended claim 1 to incorporate the limitations of original claim 5. Accordingly, Applicant respectfully requests the withdrawal of the rejections over the prior art.

C. Rejection under 35 U.S.C. § 112, second paragraph

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. See Final Office Action at 3. Although Applicant disagrees with the rejection, for the sole purpose of advancing prosecution, Applicant has amended claim 3 in accordance with the Examiner's suggestion.

V. Conclusion

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-4, 6-13, 15 and 16 in condition for allowance.

In view of the foregoing amendments and remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the


entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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